

Joint Standing Committee on Utilities and Energy

LD 64

An Act to Amend the Mexico Water District Charter

**P & S 5
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT FERGUSON	OTP-AM	H-60

LD 64 proposed to change the beginning of the term of office of the trustees of the Mexico Water District from the first Monday in April to July 1st to coincide with the current fiscal year.

Committee Amendment "A" (H-60) proposed to make certain clarifications in the language of the bill and provide transition language to accomplish the change of the beginning date for the terms of office of the trustees of the Mexico Water District. It also proposed to add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Private and Special Law 1999, chapter 5 changes the beginning of the term of office of the trustees of the Mexico Water District from the first Monday in April to July 1st to coincide with the current fiscal year.

Chapter 5 was enacted as an emergency measure effective April 9, 1999.

LD 105

An Act to Clarify Great Northern Paper, Inc.'s Status to Furnish Electricity

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK CAREY		

LD 105 proposes to repeal the law passed at the end of the 118th Legislature that allows Great Northern Paper, Inc. to continue to furnish electricity to and from its Millinocket facilities without being considered an electric utility.

LD 109

An Act to Amend the Charter of the Mars Hill Utility District

**P & S 4
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND PARADIS	OTP-AM	H-59

LD 109 proposed to amend the boundaries of the Mars Hill Utility District to encompass the entire Town of Blaine upon approval at referendum.

Enacted law summary

Private and Special Law 1999, chapter 4 amends the boundaries of the Mars Hill Utility District to encompass the entire Town of Blaine upon approval by the voters of the Town of Blaine voting in a special or regular town meeting and by the town council in the Town of Mars Hill.

Chapter 4 was enacted as an emergency measure effective April 9, 1999.

Enacted law summary

Public Law 1999, chapter 178 authorizes the county commissioners of a county to establish a county electricity agency to serve as a public aggregator for any electricity consumers, public or private, located in that county. An agency may not require a consumer to join or be served by the agency. All debts and liabilities incurred by an agency or a county through an agency are the responsibility of the agency or county and are not a liability of the State.

LD 331**An Act to Amend the Renewable Resource Portfolio Requirement for Competitive Electricity Providers****ONTP**Sponsor(s)
CAREYCommittee Report
ONTPAmendments Adopted

LD 331 proposed to amend the electric industry restructuring law with respect to the renewable portfolio requirement for competitive providers.

Current law requires each provider to have 30% of its portfolio of supply sources for retail electricity sales in this State accounted for by renewable resources. The law defines renewable resources to be those resources that can be delivered into the New England Power Pool.

This bill proposed to change the definition of renewable resources to require that the electricity generated be deliverable to Maine consumers. It also proposed to change the 30% portfolio standard to a requirement that 30% of a provider's kilowatt-hours sales to retail customers in this State be accounted for by renewable resources.

Changes to the renewable portfolio requirement were made in LD 2154.

LD 333**An Act to Amend the Charter of the Department of Electric Works Within the Town of Madison****P & S 7**Sponsor(s)
RICHARD
MILLSCommittee Report
OTP-AMAmendments Adopted
H-114

LD 333 proposed to authorize the Department of Electric Works in the Town of Madison to provide natural gas service should that fuel become available.

Committee Amendment "A" (H-114) proposed to make certain technical corrections to the bill and make several further changes to the Madison Electric Works charter to clarify and update certain provisions.

Enacted law summary

Private and Special Law 1999, chapter 7 authorizes the Department of Electric Works in the Town of Madison to provide natural gas service should that fuel become available. Such service would be subject to Public Utilities Commission regulation.

LD 471**An Act to Repeal the Public Utilities Commission's Authority to Issue Certificates of Public Convenience and Necessity for Electric Transmission****ONTP**Sponsor(s)
GLYNNCommittee Report
ONTPAmendments Adopted

LD 471 proposed to repeal requirements that electric utilities obtain certificates of public convenience and necessity from the Public Utilities Commission before constructing or modifying transmission lines or contracting for transmission line capacity.

LD 541**An Act to Clarify the Jurisdiction of the Public Utilities Commission with
Regard to Wireless Carriers****PUBLIC 60
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON CAREY	OTP-AM	H-57 S-27 CAREY

LD 541 proposed to grant the Public Utilities Commission limited jurisdiction over radio paging and mobile telecommunications services. It proposed to require radio paging and mobile telecommunication service providers to comply with any central office code conservation measures adopted by the commission that may be necessary to prevent or delay the adoption of a second area code for the State. The bill also proposed to clarify the commission's jurisdiction to require mobile telecommunications service providers to participate in state universal service efforts, including assessments toward a state universal service fund. This bill was submitted on behalf of the Public Utilities Commission.

Committee Amendment "A" (H-57) proposed to reallocate the provisions of the bill to more appropriate sections of the Maine Revised Statutes. The amendment proposed no substantive changes to the provisions of the bill.

Senate Amendment "A" to Committee Amendment "A" (S-27) proposed to make the bill an emergency effective immediately upon enactment.

Enacted law summary

Public Law 1999, chapter 60 grants the Public Utilities Commission limited jurisdiction over radio paging and mobile telecommunications services. It requires radio paging and mobile telecommunication service providers to comply with any central office code conservation measures adopted by the commission that may be necessary to prevent or delay the adoption of a second area code for the State. The bill also clarifies the commission's jurisdiction to require mobile telecommunications service providers to participate in state universal service efforts, including assessments toward a state universal service fund.

Chapter 60 was enacted as an emergency measure effective April 9, 1999.

LD 551**An Act to Amend the Lien Enforcement Procedure for the Topsham
Sewer District****P & S 6**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP SMALL	OTP-AM	H-58

LD 551 proposed to change the lien procedure for the Topsham Sewer District to allow the enforcement of a lien any time after three months and before 18 months from the due date of any charge or assessment for which the district has a lien.

Committee Amendment "A" (H-58) proposed to clarify that the changes made by the bill to the Topsham Sewer District Charter regarding enforcement by the district of liens apply to liens for unpaid assessments due after the effective date of this bill.

Enacted law summary

Private and Special Law 1999, chapter 6 changes the lien procedure for the Topsham Sewer District to allow the enforcement of a lien any time after three months and before 18 months from the due date of any charge or assessment for which the district has a lien. The enforcement of liens for assessments due prior to the effective date of the bill are governed by the law in effect at the time the assessment came due.

LD 553 **An Act to Amend the Charter of the Kennebec Water District** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON CAREY		

LD 553 proposes to amend the charter of the Kennebec Water District to clarify provisions relating to trustee compensation and to restrict the outside activities of trustees in order to reduce potential conflicts of interest.

LD 554 **An Act to Provide Affordable Computer-based Information Networks** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON	ONTP	

LD 554 proposed to provide that any telephone call made within a flat-rate, basic service calling area that is carried beyond the basic service calling area for the purpose of accessing the Internet or other computer-based information network is deemed to have terminated within the basic service calling area and the customer making the call must be billed at the basic service flat rate. The bill proposed to direct the Public Utilities Commission to adopt rules implementing this provision.

LD 570 **An Act Relating to the Protection of Maine Consumers in the Telecommunications Market** **PUBLIC 59
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON CAREY	OTP-AM	H-56

LD 570 proposed to grant the Public Utilities Commission authority to protect the State's telecommunications consumers from the practice of "cramming." Cramming occurs when charges for an unauthorized service are placed on a consumer's telephone bill. The bill proposed to require a telephone utility to suspend collection efforts when a consumer alleges that a charge is unauthorized. Unless the provider of the service produced verification that the service was authorized by the consumer, the telephone utility would be required to remove the charges and refund any prior payments for that service. The bill also proposed to authorize the commission to protect consumers through imposition of an administrative fine on telecommunications utilities for violating a telecommunications consumer protection statute, rule or commission order. This bill was submitted on behalf of the Public Utilities Commission.

Committee Amendment "A" (H-56) proposed to replace the bill. The amendment proposed a series of changes to laws relating to the protection of Maine consumers in the telecommunications market.

Enacted law summary

Public Law 1999, chapter 59:

1. Requires service providers who bill for their services on a telephone utility's telephone bill to be registered with the Public Utilities Commission;
2. Requires billing aggregators who forward service provider's charges to telephone utilities for inclusion on the utilities' bills to be registered with the commission;
3. Exempts telephone utilities who are authorized to provide telephone service in Maine from the registration requirements;
4. Permits the Public Utilities Commission to revoke the registration of a service provider who charges customers for services not authorized by the customers or who engages in other false or deceptive practices;
5. Permits the Public Utilities Commission to revoke the registration of a billing aggregator who forwards charges of unregistered service providers to a telephone utility for inclusion on a customer's bill;
6. Requires billing agents, such as telephone utilities that bill on behalf of service providers, upon receiving a complaint from a customer, to suspend collecting for unauthorized services. The billing agent is required either to obtain evidence from the service provider that the services are in fact authorized or to remove the charges from the customer's bill and refund to the customer amounts paid during the prior six months or during any longer period during which the customer can prove the customer was billed;
7. Authorizes the Public Utilities Commission to impose administrative penalties of up to \$1,000 per violation for service providers who engage in cramming, service providers or billing agents who are not properly registered, billing agents who knowingly bill on behalf of unregistered service providers and billing agents that fail to comply with the procedures governing the handling of customer complaints regarding unauthorized services;
8. Requires the Public Utilities Commission to adopt routine technical rules implementing these provisions; the commission is required to submit its rules to the Joint Standing Committee on Utilities and Energy by January 1, 2000; and the committee is authorized to report out legislation on cramming; and
9. Prohibits the commission from enforcing any of these provisions until it adopts rules implementing the provisions.

Chapter 59 was enacted as an emergency measure effective April 9, 1999.

LD 580

**An Act to Clarify the Voting Rights of Persons Residing in Certain
Sanitary Districts**

**PUBLIC 299
EMERGENCY**

Sponsor(s)
GOLDTHWAIT

Committee Report
OTP-AM

Amendments Adopted
S-260

LD 580 proposed to provide that for any sanitary district whose territory does not extend beyond the boundaries of a single municipality and whose territory encompasses less than the entire area of the municipality:

1. Trustees must be elected at large by a plurality vote of the voters within the territory of the district; and
2. Trustees must be residents of the district.

Committee Amendment "A" (S-260) proposed to change the substance of the bill to provide that for any sanitary district whose territory does not extend beyond the boundaries of a single municipality and whose territory encompasses less than the entire area of the municipality all trustees must be residents of the municipality and a majority of the trustees must be residents of the district.

Enacted law summary

Public Law 1999, chapter 299 provides that for any sanitary district whose territory does not extend beyond the boundaries of a single municipality and whose territory encompasses less than the entire area of the municipality all trustees must be residents of the municipality and a majority of the trustees must be residents of the district. It also provides that trustees must be elected at large by a plurality vote of the voters within the territory of the district.

Chapter 299 was enacted as an emergency measure effective May 24, 1999.

LD 581

Resolve, to Ensure Proper Funding of the Public Utilities Commission

**RESOLVE 19
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM	S-90

LD 581 proposed to permit the Public Utilities Commission to roll over into the following fiscal year 100% of any unexpended funds remaining at the end of both the 1999-00 fiscal year and the 2000-01 fiscal year. This bill was submitted on behalf of the Public Utilities Commission.

Committee Amendment "A" (S-90) proposed to provide funding for a limited-period Utility Analyst at the Public Utilities Commission to serve as a natural gas pipeline safety inspector.

Enacted law summary

Resolve 1999, chapter 19 permits the Public Utilities Commission to roll over into the following fiscal year 100% of any unexpended funds remaining at the end of both the 1999-00 fiscal year and the 2000-01 fiscal year. It also provides funding for a limited-period Utility Analyst at the Public Utilities Commission to serve as a natural gas pipeline safety inspector.

Chapter 19 was enacted as an emergency measure effective May 4, 1999.

LD 635

An Act to Amend the Electric Industry Restructuring Law

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	ONTP	

LD 635 proposed to amend the electric industry restructuring law by eliminating the 100 megawatts criteria for hydroelectric generators so that all hydroelectric generators qualify as renewable resources, regardless of their total power production capacity.

The renewable resource portfolio requirement was changed in LD 2154.

LD 659**An Act to Require Companies Responsible for Billing Electrical Services
to Forward the Amount Collected within 3 Days****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	ONTP	

LD 659 proposed to require a person who provides competitive billing services related to electric service not provided by that person to forward to the person who provided the electric service, within three days of the receipt of payment from the customer, the amount collected from the customer for the electric service.

LD 661**An Act Regarding the Unbundling of Natural Gas Services****PUBLIC 143**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM	S-92

LD 661 proposed to require any entity that sells or attempts to sell natural gas supply service to retail customers in the State to register with the Public Utilities Commission. It also proposed to specify that an entity that is only active in the natural gas supply market, but does not provide other services associated with an integrated natural gas utility, is not considered a gas utility and thereby subject to commission regulation as a gas utility. The bill also proposed to direct the commission to consider the need to adopt rules governing the unbundling of natural gas services and to authorize their adoption as major substantive rules. The bill proposed to require that the commission consider the need for establishing by rule a process for determining default providers of natural gas service. This bill was submitted on behalf of the Public Utilities Commission.

Committee Amendment "A" (S-92) proposed:

1. To modify the description of the type of information gas marketers must provide on request to the Public Utilities Commission to include copies of residential contracts for retail natural gas supply; the language would not limit the commission's authority, however, to require other information from gas marketers;
2. To make a clarification in the provision of the bill concerning confidentiality; and
3. To delete the requirement that the commission consider the need for establishing by rule a process for determining default providers of natural gas service.

Enacted law summary

Public Law 1999, chapter 143 requires any entity that sells or attempts to sell natural gas supply service to retail customers in the State to register with the Public Utilities Commission. It also specifies that an entity that is only active in the natural gas supply market, but does not provide other services associated with an integrated natural gas utility, is not considered a gas utility and thereby subject to commission regulation as a gas utility. The bill also directs the commission to consider the need to adopt rules governing the unbundling of natural gas services and authorizes their adoption as major substantive rules.

LD 672

**An Act to Permit Water Utilities and Sewer and Sanitary Districts to
Establish Lower Rates for Elderly Homeowners**

ONTP

Sponsor(s)
DOUGLASS

Committee Report
ONTP

Amendments Adopted

LD 672 proposed to authorize public and private water utilities and sanitary and sewer districts to establish a discount rate for residential consumers who are 65 years of age or older.

LD 704

An Act Relating to Governmental Aggregation Services

**PUBLIC 231
EMERGENCY**

Sponsor(s)
MITCHELL C
DAGGETT

Committee Report
OTP-AM

Amendments Adopted
H-331

LD 704 proposed to authorize the Maine Municipal Bond Bank, after the advent of electric industry restructuring, to organize and administer the cooperative bulk purchase of electricity and fuel commodities by local governmental units and nonprofit corporations.

Committee Amendment "A" (H-331) proposed to replace the bill and amend the title to reflect the content of the amendment. This amendment proposed:

1. To remove the authority for the Maine Health and Higher Educational Facilities Authority to provide certain commodities purchasing and transfer services, including aggregation services, to employees of health care and higher education entities;
2. To permit the Maine Municipal Bond Bank to offer aggregation services to governmental units and nonprofit corporations; and
3. To provide that the Maine Municipal Bond Bank:
 - A. Is subject to all applicable provisions of law, including those provisions of the Maine Revised Statutes, Title 35-A relating to aggregators of customers of electricity;
 - B. Must provide to any entity to whom it offers to provide aggregation services notice that the entity is under no obligation to accept such services and that no other service provided by the bank is conditional upon or affected by the entity's acceptance or rejection of the offer;
 - C. May not extend credit or vary the terms of credit based on an entity's acceptance or rejection of an offer by the bank to provide aggregation services; and
 - D. May not encourage or otherwise seek to persuade any entity to accept aggregation services, if the entity has an application with the bank for a loan, until after the bank has taken final action on approving or rejecting the application.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 231

1. Removes the authority for the Maine Health and Higher Educational Facilities Authority to provide certain commodities purchasing and transfer services, including aggregation services, to employees of health care and higher education entities; and
2. Permits, with certain limitations, the Maine Municipal Bond Bank to offer aggregation services to governmental units and nonprofit corporations.

Chapter 231 was enacted as an emergency measure effective May 18, 1999.

LD 710

An Act Regarding Criteria for Approval of a Public Utility Reorganization by the Public Utilities Commission

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL	ONTP	

LD 710 proposed to provide that no reorganization by a public utility may be approved by the Public Utilities Commission unless it is established by the applicant for approval that the reorganization is consistent with the interests of the utility's ratepayers and investors and that any benefits derived from the reorganization, financial or otherwise, will be shared equally between the company's ratepayers and investors.

LD 735

An Act Authorizing the Public Utilities Commission to Award Damages to Customers Damaged by Substandard Utility Service

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	ONTP	

LD 735 proposed to allow the Public Utilities Commission to compensate consumers for damages caused by a utility without requiring such customers to file individual actions in a court of law. This bill was submitted on behalf of the Office of the Public Advocate.

LD 756

Resolve, to Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM	

LD 756 proposed to create a task force to study the State's regulation of water utilities. The task force would be charged with investigating ways in which state regulation may be improved.

Committee Amendment "A" (S-45) proposed to change the membership of the Task Force; to require the task force to elect its chair from its members; to provide for compensation for legislative and public members of the task force; to authorize the task force to seek assistance from the Office of Policy and Legal Analysis in drafting any recommended legislation; to move the reporting date to January 1, 2000. This amendment was adopted in both bodies although the bill was subsequently indefinitely postponed.

House Amendment "A" to Committee Amendment "A" (H-213) proposed to change the reporting date from January 15, 2000 to December 31, 1999. This amendment was adopted in both bodies although the bill was subsequently indefinitely postponed.

LD 767

Resolve, Regarding Legislative Review of Chapter 311: Renewable Resource Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 47
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 767 proposed approval of Chapter 311: Renewable Resource Portfolio Requirement, a major substantive rule of the Public Utilities Commission.

Enacted law summary

Resolve 1999, chapter 47 approves Chapter 311: Renewable Resource Portfolio Requirement, a major substantive rule of the Public Utilities Commission.

The renewable resource portfolio requirements in law were amended by LD 2154 and commensurate changes to the rules required.

Chapter 47 was enacted as an emergency measure effective May 24, 1999.

LD 768

Resolve, Regarding Legislative Review of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 37
EMERGENCY**

<u>Reported by</u> DAVIDSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-328
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LD 768 proposed approval of Chapter 301: Standard Office Service, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-328) proposed to authorize the Public Utilities Commission to finally adopt its rule, Chapter 301: Standard Offer Service, provided it made certain changes to the rule.

Enacted law summary

Resolve 1999, chapter 37 authorizes the Public Utilities Commission to finally adopt its rule, Chapter 301: Standard Offer Service, provided it makes several changes to the rule that accomplish the following:

1.

Establish standard offer classes and require providers to bid separately on each class;

2.

Set the initial period of the standard offer at one year;

3.

Assign responsibility for uncollectibles to standard offer providers;

4. Provide for electric utilities to arrange standard offer service in cases where the Public Utilities Commission determines there is a lack of sufficient bids; and
5. Make the rule consistent with other commission rules governing interactions between providers and electric utilities.

Chapter 37 was enacted as an emergency measure effective May 18, 1999.

LD 769

Resolve, Regarding Legislative Review of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a Major Substantive Rule of the Public Utilities Commission

RESOLVE 36 EMERGENCY

Reported by
DAVIDSON

Committee Report
OTP-AM

Amendments Adopted
H-329

LD 769 proposed approval of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-329) proposed to authorize the Public Utilities Commission to finally adopt its rule, Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, provided it made certain changes to the rule.

Enacted law summary

Resolve 1999, chapter 36 authorizes the Public Utilities Commission to finally adopt its rule, Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, provided it:

1. Modifies the rule to remove references to the release of customer proprietary information; this issue is the subject of LD 1214; and
2. Modifies the rule to clarify that nothing in the rule prevents a distribution utility from entering into a special contract offering a special rate to a customer or group of customers pursuant to a rate flexibility program approved by the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, section 3195, subsection 6.

See also LD 2154 for other issues related to standards of conduct for transmission and distribution utilities.

Chapter 36 was enacted as an emergency measure effective May 18, 1999.

LD 790

Resolve, Regarding Legislative Review of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission

RESOLVE 42 EMERGENCY

Reported by
DAVIDSON

Committee Report
OTP-AM

Amendments Adopted
H-400

LD 790 proposed approval of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-400) proposed disapproval of final adoption of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission.

Enacted law summary

Resolve 1999, chapter 42 disapproves final adoption of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission. Issues associated with conservation programs are addressed in LD 1398.

Chapter 42 was enacted as an emergency measure effective May 20, 1999.

LD 795 An Act to Except Grading from Definition of Excavation in Dig Safe Law ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J JACOBS	ONTP	

LD 795 proposed to allow an excavator to grade the surface of a road or highway without having to get an excavation permit or to comply with the dig safe law if grading was the only activity performed by the excavator.

LD 876 An Act to Amend the Renewable Portfolio Standard to Promote Maine's Renewable Energy Facilities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MILLS	ONTP	

LD 876 proposed to amend the electric industry restructuring laws

1. To amend the definition of "renewable resource" to exclude cogeneration facilities that use fossil fuels; and
2. To change the renewable resource portfolio standard to require that at least 30% of a provider's portfolio of electricity supplies for each retail electricity product sold to consumers in this State is accounted for by renewable resources.

Issues associated with the renewable resource portfolio requirement were dealt with in LD 2154.

LD 894 An Act to Facilitate Price Comparisons for Utility Service ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D KONTOS	ONTP	

LD 894 proposed to extend the Public Advocate's authority to require and publish rate comparisons for industries experiencing competition for utility service, such as the electricity marketing and natural gas industries, and to require the Public Utilities Commission and the Public Advocate to jointly specify the format for information provided by utilities for this purpose. This bill was submitted on behalf of the Office of the Public Advocate.

LD 907 **An Act to Facilitate the Transition to Electric Utility Competition** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
CAREY		ONTP		

LD 907 proposed to allow utilities the flexibility to phase in the transition to a competitive generation market during the month of March 2000.

LD 1057 **Resolve, Directing the Public Utilities Commission to Investigate Whether Internet Traffic Should Be Classified as Local or Toll** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
CAREY		ONTP		

LD 1057 proposed to require the Public Utilities Commission to investigate whether internet traffic should be classified as local or toll traffic.

LD 1185 **Resolve, to Establish the Energy Policy Commission** **INDEF PP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
O'NEIL		OTP-AM		

LD 1185 proposed to establish a Renewable Energy Policy Commission to develop a state renewable energy policy that promotes energy self-reliance and emphasizes low-impact electric power generation and distribution.

Committee Amendment "A" (H-254) proposed to replace the resolve and establish an Energy Policy Commission. The purpose of the commission would be to develop a state energy policy in the context of the restructuring of the electric industry. This report was accepted by both bodies although the bill was subsequently indefinitely postponed.

LD 1194 **Resolve, Relating to Basic Service Calling Areas** **RESOLVE 32**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
LONGLEY		OTP-AM		H-337 DAVIDSON S-91

LD 1194 proposed to require the Public Utilities Commission, on petition, to expand a basic service calling area that encompasses only a single exchange.

Committee Amendment "A" (S-91) proposed to replace the bill with a resolve and to change the title. The amendment proposed to direct the Public Utilities Commission to undertake an examination of single-exchange, flat-rate, basic service calling areas and to develop proposals for expanding those areas. The commission would be required to report its findings and proposals to the Joint Standing Committee on Utilities and Energy and the committee would be authorized to report out legislation concerning basic service calling areas to the Second Regular Session of the 119th Legislature.

House Amendment "A" to Committee Amendment "A" (H-337) proposed to change the reporting date in the committee amendment.

Enacted law summary

Resolve 1999, chapter 32 directs the Public Utilities Commission to undertake an examination of single-exchange, flat-rate, basic service calling areas and to develop proposals for expanding those areas. The commission must report its findings and proposals to the Joint Standing Committee on Utilities and Energy and the committee is authorized to report out legislation concerning basic service calling areas to the Second Regular Session of the 119th Legislature.

LD 1208

An Act to Amend the Enhanced 9-1-1 Laws

**PUBLIC 80
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS MADORE	OTP-AM	S-47

LD 1208 proposed to prohibit persons, after being forbidden to do so, from using a device that dials 9-1-1 and transmits a prerecorded message to a public safety answering point. This bill also proposed to provide for the alphabetical naming of unorganized territories by the county commissioners. This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (S-47) proposed to replace the bill but to preserve, with changes, the substance of that portion of the bill that creates a new offense under the E-9-1-1 laws. As in the bill, under this amendment a person would be guilty of misuse of the E-9-1-1 system if without reasonable cause the person, after having been forbidden to do so by a public safety answering point manager or administrator or a law enforcement officer, causes telephone calls to be made to a public safety answering point using an alarm or other alerting device that automatically dials 9-1-1 and transmits a prerecorded signal or message. A first offense would be a civil infraction; any subsequent offense a Class E crime.

Enacted law summary

Public Law 1999, chapter 80 provides that a person is guilty of misuse of the E-9-1-1 system if without reasonable cause the person, after having been forbidden to do so by a public safety answering point manager or administrator or a law enforcement officer, causes telephone calls to be made to a public safety answering point using an alarm or other alerting device that automatically dials 9-1-1 and transmits a prerecorded signal or message. A first offense is a civil infraction; any subsequent offense is a Class E crime.

While chapter 80 includes an emergency preamble and emergency clause, no provision of the law takes effect as an emergency. The emergency clause relates to sections of the original bill that were stripped by the committee amendment. Due to a technical error, the emergency clause was not deleted in the finally enacted law. Chapter 80 is not, in fact, an emergency; it takes effect in the same manner as other non-emergency legislation.

LD 1214**An Act Authorizing the Release of Information to a Competitive Electricity Provider****PUBLIC 237**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D CAREY	OTP-AM	H-330

LD 1214 proposed to allow customers of an electricity provider to give approval for the release of their proprietary information to a competitive electricity provider by means other than written authorization.

Committee Amendment "A" (H-330) proposed to replace the bill. Under this amendment, a transmission and distribution utility would be prohibited from releasing customer-specific information to a licensed competitive electricity provider unless the provider produces sufficient evidence, as defined by the commission by routine technical rule, that the provider has obtained the customer's authorization. This amendment proposed to repeal a provision of law that prohibited large transmission and distribution utilities from releasing propriety customer information without prior written authorization of the customer.

Enacted law summary

Public Law 1999, chapter 237 provides that a transmission and distribution utility may not release any customer-specific information to a licensed competitive electricity provider unless the provider produces sufficient evidence, as defined by the commission by routine technical rule, that the provider has obtained the customer's authorization. This amendment repeals a provision of law that prohibited large transmission and distribution utilities from releasing propriety customer information without prior written authorization of the customer.

LD 1219**An Act to Amend the Charter of the Mt. Blue Standard Water District****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	ONTP MAJ OTP-AM MIN	

LD 1219 proposed to amend the charter of the Mt. Blue Standard Water District to require that to qualify as a legal voter of the district a person must reside in a household to which the district's service is provided.

Committee Amendment "A" (H-197), which was the minority report of the committee, proposed to replace the bill. The amendment proposed that the following persons would be eligible to vote in elections held by the Mt. Blue Standard Water District:

1. All persons resident in the district eligible to vote in municipal elections; and
2. All persons not resident in the district who own property in the district who are customers of the district.

LD 1265**An Act to Amend the Charter of the Tenants Harbor Standard Water District****P & S 8
EMERGENCY**Sponsor(s)
PINGREE
SKOGLUNDCommittee Report
OTP-AMAmendments Adopted
S-46

LD 1265 proposed to revise the territorial limits of the Tenants Harbor Standard Water District.

Committee Amendment "A" (S-46) proposed to replace the bill. This amendment proposed to redraft the description of the expansion of the territorial limits of the Tenants Harbor Standard Water District and make technical corrections to the description of the existing territory of the district. It also proposed to provide authorization for the district to serve customers located outside the district, provided that the cost of extending facilities to those customers is funded by the Department of Environmental Protection.

Enacted law summary

Private and Special Law 1999, chapter 8 redrafts the description of the expansion of the territorial limits of the Tenants Harbor Standard Water District and makes technical corrections to the description of the existing territory of the district. It also provides authorization for the district to serve customers located outside the district, provided that the cost of extending facilities to those customers is funded by the Department of Environmental Protection.

Chapter 8 was enacted as an emergency measure effective April 16, 1999.

LD 1273**An Act to Encourage Utility Efficiency****ONTP**Sponsor(s)
LAWRENCECommittee Report
ONTPAmendments Adopted

LD 1273 proposed to repeal the provision of the laws governing electric industry restructuring known as the “poison pill” provision that provides that if 10% or more of the stock of a distribution utility is purchased by an entity, the purchasing entity and any related entity may not sell or offer for sale generation service to any retail consumer of electric energy in this State.

LD 1276**An Act Relating to Utilities and Affiliated Interests****PUBLIC 158**Sponsor(s)
LAWRENCECommittee Report
OTP-AMAmendments Adopted
S-89

LD 1276 proposed to remove the requirement that when intangible assets of a utility, including good will or use of a brand name, are used by an affiliated interest of a utility, the utility must be paid by the affiliated interest for the use of those assets.

Committee Amendment "A" (S-89) proposed to replace the bill. The amendment proposed to remove a presumption established in a major substantive rule adopted by the Public Utilities Commission that good will used by an affiliate of a public utility has value in those cases where the business venture of the affiliate is regulated by the commission. The amendment proposed to require the commission to amend its major substantive rule accordingly.

This amendment also proposed to modify the provision of law that requires the Public Utilities Commission to settle complaints by competitors of a utility or affiliate concerning whether the utility affiliate has an undue competitive advantage in an unregulated business market. The amendment proposed to define "undue competitive advantage" as an advantage gained by a violation of standards of conduct or cost allocation requirements established by the commission by rule.

Enacted law summary

Public Law 1999, chapter 158 removes a presumption established in a major substantive rule adopted by the Public Utilities Commission that good will used by an affiliate of a public utility has value in those cases where the business venture of the affiliate is regulated by the commission. The commission remains directed to determine the value of good will used by such an affiliate, but it is not permitted to presume a value. The law requires the commission to amend its major substantive rule accordingly and exempts the conforming amendment from further legislative approval.

The law modifies the provision of law that requires the Public Utilities Commission to settle complaints by competitors of a utility or affiliate concerning whether the utility affiliate has an undue competitive advantage in an unregulated business market. The law defines "undue competitive advantage" as an advantage gained by a violation of standards of conduct or cost allocation requirements established by the commission by rule.

LD 1301

An Act to Conform State Law to Federal Nuclear Power Plant Requirements for Off-site Emergency Planning

PUBLIC 174

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP-AM	H-209

LD 1301 proposed to repeal the Maine Nuclear Emergency Planning Act.

Committee Amendment "A" (H-209) proposed to clarify that the Maine Emergency Management Agency remains authorized to accept gifts, grants and research funds and to undertake contractual relationships with the Federal Government, other state and provincial governments, counties, municipalities, corporations, foundations and other legal entities to carry out the purposes for which it was created, including, without limitation, conducting emergency planning activities related to nuclear power facilities in adjacent states or provinces. The amendment also proposed to add an allocation section to move funds from the Radiological Emergency Preparedness Committee, which is repealed by this bill, to the Department of Defense, Veterans and Emergency Management to allow the department to continue its emergency planning related to nuclear facilities in adjacent states or provinces.

Enacted law summary

Public Law 1999, chapter 174 repeals the Maine Nuclear Emergency Planning Act. The law makes clear that the Maine Emergency Management Agency remains authorized to accept gifts, grants and research funds and to undertake contractual relationships with the Federal Government, other state and provincial governments, counties, municipalities, corporations, foundations and other legal entities to carry out the purposes for which it was created, including, without limitation, conducting emergency planning activities related to nuclear power facilities in adjacent states or provinces. The law reallocates funds from the Radiological Emergency Preparedness Committee, which is repealed by the law, to the Department of Defense, Veterans and Emergency Management to allow the department to continue its emergency planning related to nuclear facilities in adjacent states or provinces.

LD 1364**An Act to Provide for the Collection of Storm Water in the City of
Hallowell****P & S 15**

Sponsor(s)
COWGER
TREAT

Committee Report
OTP-AM

Amendments Adopted
H-211

LD 1364 proposed to transfer the ownership of and responsibility for the Hallowell storm-water system from the Hallowell Water District to the City of Hallowell.

Committee Amendment "A" (H-211) proposed to amend the bill to allow, but not require, the Hallowell Water District to transfer, with the consent of the City of Hallowell, the public storm-water drains to the City of Hallowell.

Enacted law summary

Private and Special Law 1999, chapter 15 allows, but does not require, the Hallowell Water District to transfer, with the consent of the City of Hallowell, the public storm-water drains to the City of Hallowell.

LD 1391**An Act to Amend the Charter of the Dover-Foxcroft Water District****P & S 27
EMERGENCY**

Sponsor(s)
CROSS
DAVIS P

Committee Report
OTP-AM

Amendments Adopted
H-242
H-521 DAVIDSON

LD 1391 proposed to amend the charter of the Dover-Foxcroft Water District. It proposed to transfer the responsibilities for the fire department to the town of Dover-Foxcroft and to remove the district's authority to tax for the capitalization and operation of the fire department.

Committee Amendment "A" (H-242) proposed to make further corrections to the charter of the Dover and Foxcroft Water District in order to bring the entire charter in conformity with the changes proposed by the bill. This amendment also proposed to make the bill emergency legislation and to add a referendum clause.

House Amendment "A" (H-521) proposed to remove further language from the charter relating to actions arising from the responsibilities of the district in its operation of the fire department.

Enacted law summary

Private and Special Law 1999, chapter 27 transfers the responsibilities for the fire department from the Dover-Foxcroft Water District to the town of Dover-Foxcroft and removes the district's authority to tax for the capitalization and operation of the fire department. The law removes from the Dover-Foxcroft Water District charter all references to fire-department responsibilities. These changes are subject to referendum approval in the district.

Chapter 27 was enacted as an emergency measure effective May 24, 1999.

LD 1396**An Act Relating to Contractual Obligations of Electric Utilities after Restructuring****ONTP**Sponsor(s)
USHERCommittee Report
ONTPAmendments Adopted

LD 1396 proposed to provide that the electric industry restructuring laws do not absolve electric utilities from their obligations under contracts entered into on or before February 29, 2000. The issues raised by this bill were addressed in LD 2154.

LD 1398**An Act to Secure Environmental and Economic Benefits from Electric Utility Restructuring****PUBLIC 336**Sponsor(s)
DAVIDSON
CAREYCommittee Report
OTP-AMAmendments Adopted
H-522

LD 1398 proposed creation of a tradable credit program, under rules to be established by the Department of Environmental Protection, that would be administered by a new quasi-governmental agency proposed to be created by this bill, the Energy Management Authority of Maine, with authority to aggregate the credits earned as a result of energy efficiency programs targeted at electric consumers or resulting from the purchases of electricity at state agency facilities or on behalf of low-income customers enrolled in the Low-Income Home Energy Assistance Program. The bill also proposed to direct the Energy Management Authority of Maine to undertake the statewide planning, management and coordination of all energy efficiency services that are paid for in the rates of transmission and distribution customers. Finally, the Energy Management Authority of Maine would be directed to undertake the development of a state strategy for pursuing other energy efficiency opportunities that arise as a result of electric industry restructuring and to receive the advice of the 15-member board of stakeholders, citizen advisors and industry representatives. The bill proposed to repeal authorization for these activities in July 2007.

Committee Amendment "A" (H-522) proposed to replace the bill. The amendment proposed:

1. To modify the conservation program established under the electric industry restructuring law as follows:
 - A. Direct the State Planning Office to design and monitor the program;
 - B. Provide that energy efficiency service providers may be chosen without a competitive bidding process if the commission finds this is in the State's best interest and is consistent with the program developed by the State Planning Office;
 - C. Require total conservation program expenditures, including costs associated with funding program planning costs incurred by the State Planning Office, to be no more than .15 cent per kilowatt-hour, to be based on relevant characteristics of each transmission and distribution utility's service territory and to be no less than .5% of the total transmission and distribution revenues of the utility;
 - D. Provide for an assessment on transmission and distribution utilities to fund State Planning Office development and monitoring of the conservation program and establishes a special fund for this purpose;
 - E. Require the commission to adopt routine technical rules to implement the conservation program requirements;

2. To move provisions directing the State Planning Office to undertake energy planning activities to the new section of law which describes the Office's new duties with respect to conservation programs and add to the Office's energy planning duties the duty to coordinate state agency actions that affect the consumption of energy; and
3. To add a new position within the State Planning Office, funded by the Conservation Program Fund, to undertake the energy planning and conservation program activities.

Enacted law summary

Public Law 1999, chapter 336 Public Law 1999, chapter 336

1. Modifies the conservation program established under the electric industry restructuring law as follows:
 - A. Directs the State Planning Office to design and monitor the program;
 - B. Provides that energy efficiency service providers may be chosen without a competitive bidding process if the commission finds this is in the State's best interest and is consistent with the program developed by the State Planning Office;
 - C. Requires total conservation program expenditures, including costs associated with funding program planning costs incurred by the State Planning Office, to be no more than .15 cent per kilowatt-hour, to be based on relevant characteristics of each transmission and distribution utility's service territory and to be no less than .5% of the total transmission and distribution revenues of the utility;
 - D. Provides for an assessment on transmission and distribution utilities to fund State Planning Office development and monitoring of the conservation program and establishes a special fund for this purpose;
 - E. Requires the commission to adopt routine technical rules to implement the conservation program requirements;
2. Moves provisions directing the State Planning Office to undertake energy planning activities to the new section of law which describes the Office's new duties with respect to conservation programs and adds to the Office's energy planning duties the duty to coordinate state agency actions that affect the consumption of energy; and
3. Adds a new position within the State Planning Office, funded by the Conservation Program Fund, to undertake the energy planning and conservation program activities.

LD 1402

Resolve, Relating to Telemarketing Fraud

INDEF PP

Sponsor(s)
AHEARNE

Committee Report
OTP-AM

Amendments Adopted

LD 1402 proposed to create a registration requirement for telemarketers doing business in Maine and to require telemarketers to keep certain records and make certain disclosures to consumers. The bill also proposed to prohibit various acts and practices of telemarketers and to provide for criminal penalties and civil remedies.

Committee Amendment "A" (H-113) proposed to replace the bill. The Joint Standing Committee on Utilities and Energy requested by letter that the Attorney General work with interested parties in developing proposals for addressing telemarketing fraud. This amendment proposed to provide authority for the committee to report out legislation related to telemarketing to the Second Regular Session of the 119th Legislature in response to the proposals developed by the Attorney General. The amendment was not enacted; in its stead was enacted a joint order providing precisely the same authority to the committee.

LD 1407**An Act to Reduce the Cost to Ratepayers of Decommissioning and Nuclear Waste Storage at the Maine Yankee Nuclear Power Plant****PUBLIC 173**Sponsor(s)
KILKELLY
PIEHCommittee Report
OTP-AMAmendments Adopted
S-102

LD 1407 changes the restrictions for investment of the Spent Nuclear Fuel Disposal Trust Fund to encourage a greater return on investment of those funds and a corresponding reduction in the amount ratepayers will be charged for disposal of spent fuel. The proposed restriction is the standard permitted by the Federal Energy Regulatory Commission for decommissioning trust funds.

The bill also proposed to permit the Maine Yankee Nuclear Power Plant to draw funds earmarked for payment to the United States Department of Energy for disposal of spent fuel waste to offset past and future costs of on-site storage.

The bill proposed to provide for the transfer of funds collected for the disposal of low-level radioactive waste to the Maine Yankee Decommissioning Trust Fund for the purpose of reducing decommissioning costs.

Committee Amendment "A" (S-102) proposed to remove a limitation on payments from the Spent Nuclear Fuel Disposal Fund for funding expenditures for interim storage of spent nuclear fuel. The bill proposed to require payments for on-site interim storage expenditures; the amendment proposed to require payments for interim storage expenditures, regardless of whether the storage is on-site.

Enacted law summary

Public Law 1999, chapter 173 changes the restrictions for investment of the Spent Nuclear Fuel Disposal Trust Fund (to the standard permitted by the Federal Energy Regulatory Commission for decommissioning trust funds) to allow a greater return on investment of those funds and a corresponding reduction in the amount ratepayers will be charged for disposal of spent fuel. It also permits the Maine Yankee Nuclear Power Company to offset past and future costs of storage (whether on-site or not) with funds that were collected and set aside for payment to the United States Department of Energy for disposal of spent fuel waste. It also transfers to the Maine Yankee Decommissioning Trust Fund funds collected for the disposal of low-level radioactive waste.

LD 1423**An Act to Revise the Staffing and Resources of the Office of Public Advocate****PUBLIC 259**Sponsor(s)
DAVIDSONCommittee Report
OTP-AMAmendments Adopted
H-196

LD 1423 proposed to increase the pay scales for existing positions within the Office of the Public Advocate and create three new positions within that office: a Clerk Typist III, an Economic Analyst and a Research Assistant position. The bill also proposed to establish six positions within the Office of the Public Advocate as major policy-influencing positions and designate them as confidential employees. It also proposed to extend to the Public Advocate the power to obtain information regarding the business of all public utilities, a power that is currently held by the Public Utilities Commission. This bill was submitted on behalf of the Office of the Public Advocate.

Committee Amendment "A" (H-196):

1. Proposed to strike those portions of the bill granting the Public Advocate certain new authorities to compel utilities to provide information to the Public Advocate;
2. Proposed to strike that portion of the bill that designated six positions in the Office of the Public Advocate as major policy-influencing positions;
3. Proposed to add a provision establishing titles and salary ranges for six positions in the Office of the Public Advocate;
5. Proposed to correct the allocation section of the bill to reflect the actual costs of funding the expansion of the Office of the Public Advocate.

Enacted law summary

Public Law 1999, chapter 259 adds three positions to the Office of the Public Advocate, increasing the Public Advocate's staff from six to nine positions. It also reclassifies the positions and increases the salary of the existing six employees of the Office of the Public Advocate and establishes their salary ranges in law. It also establishes in law the salary ranges of two of the three new positions.

LD 1430 **An Act to Ensure the Protection of Ratepayers' Interests in the New England Power Pool** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER	ONTP	

LD 1430 proposed to create two full-time positions at the Public Utilities Commission for the purpose of monitoring and participating in the New England Power Pool committee process and in proceedings before the Federal Energy Regulatory Commission.

LD 1456 **An Act to Establish the Northern Maine Transmission Corporation** **PUBLIC 513**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL	OTP-AM	H-617 S-424 MICHAUD

LD 1456 proposed to establish a Northern Maine Transmission Corporation to finance, permit, construct own and operate any transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States.

Committee Amendment "A" (H-617) proposed to replace the bill. The amendment proposed the following:

1. To establish a Northern Maine Transmission Corporation as a special purpose, tax-exempt, body politic and body corporate, public instrumentality of the State and subsidiary of the Finance Authority of Maine;
2. To authorize the Northern Maine Transmission Corporation to finance, permit, construct own and operate any transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
3. To authorize the Finance Authority of Maine to issue up to \$35,000,000 in bonds, backed by the moral obligation of the State of Maine, to finance the construction of transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;

4. To authorize the Northern Maine Transmission Corporation to cooperate with private and public entities as desirable or convenient to accomplish the construction of transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
5. To authorize the Northern Maine Transmission Corporation to request and receive proposals from public and private entities to finance, permit, construct, own and operate any transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
6. To prohibit customers of electric utilities to bypass the systems of the those utilities through lines constructed by the Northern Maine Transmission Corporation;
7. To provide a \$500,000 appropriation to fund a feasibility study by the Northern Maine Transmission Corporation of the options for building transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States; and
8. To grant to the Northern Maine Transmission Corporation the general powers provided to a business corporation by the Maine Non-profit Corporation Act, Title 13-B.

Senate Amendment "A" (S-424) proposed to reduce the appropriation to fund the feasibility study from \$500,000 to \$250,000 and to authorize the transfer of \$150,000 funds from certain lapsed balances to fund the study.

Enacted law summary

Public Law 1999, chapter 513:

1. Establishes a Northern Maine Transmission Corporation as a special purpose, tax-exempt, body politic and body corporate, public instrumentality of the State and subsidiary of the Finance Authority of Maine;
2. Authorizes the Northern Maine Transmission Corporation to finance, permit, construct own and operate any transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
3. Authorizes the Finance Authority of Maine to issue up to \$35,000,000 in bonds, backed by the moral obligation of the State of Maine, to finance the construction of transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
4. Authorizes the Northern Maine Transmission Corporation to cooperate with private and public entities as desirable or convenient to accomplish the construction of transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
5. Authorizes the Northern Maine Transmission Corporation to request and receive proposals from public and private entities to finance, permit, construct, own and operate any transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
6. Prohibits customers of electric utilities to bypass the systems of the those utilities through lines constructed by the Northern Maine Transmission Corporation;
7. Provides a \$250,000 appropriation to fund a feasibility study by the Northern Maine Transmission Corporation of the options for building transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States and authorizes the transfer of \$150,000 funds from certain lapsed balances to fund the study; and

8. Grants to the Northern Maine Transmission Corporation the general powers provided to a business corporation by the Maine Non-profit Corporation Act, Title 13-B.

LD 1464 **An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District** **CARRIED OVER**

<u>Sponsor(s)</u> CLOUGH RAND		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1464 proposes to change the way that the restricted area around the Portland Water District's intake pipes in Sebago Lake is measured. The bill proposes to provide that the restricted area would be measured from the intake pipes themselves instead of from a point on the shore. This bill and LD 1810 were held over to allow the district, the Town of Standish and State agencies to work together to find a mutually acceptable approach to the issues raised by the bills.

LD 1480 **An Act Relating to Electric Utility Rate Design** **ONTP**

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1480 proposed to require the Public Utilities Commission to develop electric utility rates in a manner that does not discriminate between classes of customers.

LD 1481 **An Act to Increase the Contingency Reserve Fund Percentage for Consumer-owned Electric Utilities** **PUBLIC 102**

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1481 proposed to increase the contingency reserve fund percentage for consumer-owned electric utilities.

Enacted law summary

Public Law 1999, chapter 102 increases the contingency reserve fund percentage for consumer-owned electric utilities. After March 1, 2000, electric utilities will no longer have power supply costs included as part of their operating costs, thus reducing the base amount on which the percentage is applied. This law increases the allowed percentage from 5% to 25% which will allow consumer-owned electric utilities to collect the same amount for the contingency reserve fund as is currently collected.

LD 1496

An Act to Amend the Charter of the Kennebunk Sewer District

**P & S 11
EMERGENCY**

Sponsor(s)
MURPHY T
LAFOUNTAIN

Committee Report
OTP

Amendments Adopted

LD 1496 proposed to amend the Charter of the Kennebunk Sewer District by amending the district's boundaries to make them identical to the boundaries of the Town of Kennebunk.

Enacted law summary

Private and Special Law 1999, chapter 11 amends the Charter of the Kennebunk Sewer District by amending the district's boundaries to make them identical to the boundaries of the Town of Kennebunk. This change is subject to approval in a local referendum.

Chapter 11 was enacted as an emergency measure effective May 10, 1999.

LD 1500

An Act to Provide Assistance to Low-income Energy Consumers

CARRIED OVER

Sponsor(s)
SAXL M
KONTOS

Committee Report

Amendments Adopted

LD 1500 proposes to establish a trust fund to finance a state-wide low-income assistance program using corporate income taxes derived from the sale of electric utility generation assets. This bill was carried over to the Second Regular Session after being recommitted to committee.

Committee Amendment "A" (H-618) proposed the following changes to the bill:

1. To provide for a transfer of funds from the General Fund to the Low-income Electric Trust Fund equal to the amount of transfer taxes that will be deposited in the General Fund as a result of sales or transfers of generation assets required to be divested pursuant to the electric restructuring law;
2. To provide that the low-income program funded by the Low-income Electric Trust Fund would become active on March 1, 2002; until that date existing utility-administered programs would remain in place;
3. To direct consumer-owned electric utilities to develop and implement programs to provide assistance to low-income consumers between March 1, 2000 and March 1, 2002; and
4. To provide that the Low-income Electric Trust Fund be administered to provide for a fixed percentage withdrawal of not less than 4% of the total value of the fund;

House Amendment "A" (H-692) proposed to replace committee amendment "A" and the bill. It proposed to use corporate income taxes attributable to the gain on the sale or transfer of generation assets divested after May 21, 1999 (i.e., the sale or transfer of generation assets by Bangor Hydro-Electric and Maine Public Service) to fund weatherization, energy conservation and fuel assistance for persons of low-income.

Senate Amendment "A" to Committee Amendment "A" (S-338) proposed to amend Committee Amendment "A" to reduce the amount of corporate income taxes attributable to the net gain on the sale or transfer of generation assets

required to be divested by electric utilities that are transferred to the Low-income Electric Consumer Trust Fund. Under this amendment, only taxes attributable to transfers on sales made after May 21, 1999 would be transferred to the fund.

Senate Amendment "A" to House Amendment "A" (S-354) proposed to amend House Amendment "A" to specify that funds in the Maine Low-income Energy Assistance Fund may be used for appliance replacement but not for fuel assistance.

LD 1505 **An Act to Require Performance-based Restoration by Public Utilities** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA WHEELER G	ONTP	

LD 1505 proposed to require that, if a public utility elects to relay excavated pavement, the public ways must be properly restored and maintained following construction by public utilities. The bill proposed to require utilities to perform all restoration in a manner that ensures that the repaired area is restored to as good a condition as the area was in before excavation and to maintain the excavated area for the useful life of the street. The issues raised by this bill were dealt with in LD 1207, which was handled by the Transportation Committee.

LD 1532 **An Act Concerning Liens Held by the Freeport Sewer District** **P & S 14**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-210

LD 1532 proposed to update administrative provisions of the Freeport Sewer District's lien authority. It also proposed to authorize the district, as part of its sewer lien procedure, to send affected parties a second notice of sewer liens and impending foreclosure before the date of forfeiture.

Committee Amendment "A" (H-210) proposed to make a technical change to the bill.

Enacted law summary

Private and Special Law 1999, chapter 14 updates the administrative provisions of the Freeport Sewer District's lien authority. It also authorizes the district, as part of its sewer lien procedure, to send affected parties a second notice of sewer liens and impending foreclosure before the date of forfeiture.

LD 1563 **An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities** **PUBLIC 227**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

LD 1563 proposed to implement the recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People With Disabilities. The bill proposed to establish

an annual assessment on telecommunications carriers to generate \$85,000 annually for the Telecommunications Equipment Fund.

Enacted law summary

Public Law 1999, chapter 227 establishes an annual assessment on telecommunications carriers to generate \$85,000 annually for the Telecommunications Equipment Fund.

LD 1569

An Act to Amend the Charter of the Veazie Sewer District

P & S 17

Sponsor(s)
CAMPBELL

Committee Report
OTP-AM

Amendments Adopted
H-227

LD 1569 proposed to amend the charter of the Veazie Sewer District to provide compensation of \$500 per year for the chair of the board of trustees and \$400 per year for other trustees. It also proposed to remove language that sets a specific date for the annual meeting.

Committee Amendment "A" (H-227) proposed to redraft the bill for clarity and make the following substantive changes.

1. It proposed to permit the board of trustees of the Veazie Sewer District to set the salaries of the trustees provided that the chair of the board received no more than \$500 per year and the other trustees received no more than \$400 per year; and
2. It proposed to remove the requirement that the trustees establish in the district bylaws the time and place of the annual meeting; the trustees would be authorized, as in the bill, to establish the date of the annual meeting.

Enacted law summary

Private and Special Law 1999, chapter 17 permits the board of trustees of the Veazie Sewer District to set the salaries of the trustees provided that the chair of the board may not receive more than \$500 per year and the other trustees may not receive more than \$400 per year. It removes the requirement that the trustees establish in the district bylaws the time and place of the annual meeting; the trustees are authorized to establish the date of the annual meeting.

LD 1615

An Act to Repeal Registration Requirements of Cable Television Franchise Agreements and the Filing of Wage Rates and Benefits

INDEF PP

Sponsor(s)
NUTTING J

Committee Report
OTP-AM

Amendments Adopted

LD 1615 proposed to eliminate the requirements that cable television franchise agreements and determinations of wage rates and benefits by the Department of Labor be filed with the Secretary of State. This bill was submitted on behalf of the Office of the Secretary of State.

Committee Amendment "A" (S-109) proposed to add a fiscal note to the bill.

Sponsor(s)
SHIAH

Committee Report
OTP-AM

Amendments Adopted
H-523

LD 1649 proposed to expand the electric restructuring renewable resource research and development program and to transfer administration of the program from the Public Utilities Commission to the State Planning Office. The bill proposed to expand the program to include funding for demonstration community projects using renewable energy technologies. The bill also proposed to appropriate money to the program to supplement voluntary contributions to the program from electric consumers.

Committee Amendment "A" (H-523) proposed to remove the appropriation from the bill. The amendment proposed to create a Renewable Resource Fund, administered by the State Planning Office, to serve as the depository for all funds collected for the voluntary renewable resource program.

Enacted law summary

Public Law 1999, chapter 372 expands the electric restructuring renewable resource research and development program and transfers administration of the program from the Public Utilities Commission to the State Planning Office. The program is expanded to include funding for demonstration community projects using renewable energy technologies. Funding for the program remains voluntary contributions by electric consumers but the law establishes a Renewable Resource Fund, administered by the State Planning Office, to serve as the depository for all funds collected for the renewable resource program.

Sponsor(s)
DUGAY
GOLDTHWAIT

Committee Report
OTP-AM

Amendments Adopted
H-333

LD 1650 proposed to confirm the charter of the Addison Point Water District.

Committee Amendment "A" (H-333) proposed to authorize the Addison Point Water District to file a certificate of organization with the Secretary of State.

Enacted law summary

Private and Special Law 1999, chapter 20 confirms the charter of the Addison Point Water District and authorizes the Addison Point Water District to file a certificate of organization with the Secretary of State.

Chapter 20 was enacted as an emergency measure effective May 19, 1999.

LD 1683**Resolve, Regarding Legislative Review of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, a Major Substantive Rule of the Public Utilities Commission****RESOLVE 38
EMERGENCY**Sponsor(s)Committee Report
OTP-AMAmendments Adopted
H-332

LD 1683 proposed legislative approval of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-332) proposed to authorize the Public Utilities Commission to finally adopted its rule, Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, only if the rule is amended in several relatively minor ways.

Enacted law summary

Resolve 1999, chapter 38 authorizes the Public Utilities Commission to finally adopted its rule, Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, only if the rule is amended as follows:

1. to provide that a purchaser of capacity and energy has no recourse against a utility in the event the owner or operator of the generation asset does not provide the expected amount of capacity or energy or otherwise defaults;
2. to define the on-peak period as Monday through Friday from 7 a.m. to 11 p.m., except for holidays recognized by the New England independent system operator or the equivalent entity in the Maritimes Control Area; and
3. to provide that a utility, to the extent it has actual knowledge at the time it issues a request for bids, provides for each facility whose output is subject to the bidding requirements a description of any contractual provision or other factor that will have the effect of substantially changing the amount of output of a facility during the bid period and a description of any subsequent divestiture that may apply during the bid period.

Chapter 38 was enacted as an emergency measure effective May 18, 1999.

LD 1684**Resolve, Regarding Legislative Review of Chapter 306: Uniform Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission****RESOLVE 34
EMERGENCY**Sponsor(s)Committee Report
OTP-AMAmendments Adopted
H-243

LD 1684 proposed legislative approval of Chapter 306: Uniform Disclosure and Informational Filing Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-243) proposed approval of the Public Utilities Commission's provisionally adopted rule, Chapter 306: Uniform Disclosure and Informational Filing Requirements, if the rule were changed to provide that the disclosure label be provided to customers on a quarterly basis.

Enacted law summary

Resolve 1999, chapter 34 approves the Public Utilities Commission's provisionally adopted rule, Chapter 306: Uniform Disclosure and Informational Filing Requirements, if the rule is changed to provide that the disclosure label be provided to customers on a quarterly basis.

Chapter 34 was enacted as an emergency measure effective May 18, 1999.

LD 1695

An Act to Provide Immunity to Enhanced 9-1-1 Developers and Providers

PUBLIC 209

<u>Sponsor(s)</u> COLWELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-253
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LD 1695 proposed to provide tort liability immunity to local exchange companies and their personnel assisting in developing, establishing, implementing, maintaining or operating the E-9-1-1 system.

Committee Amendment "A" (H-253) proposed to replace the bill. The amendment proposed to limit the tort liability of a local exchange carrier or mobile radio carrier for its negligent acts and omissions resulting in a defect or failure of the E-9-1-1 system to \$300,000 or any greater amount that may be specified in the Maine Tort Claims Act.

Enacted law summary

Public Law 1999, chapter 209 limits the tort liability of a local exchange carrier or mobile radio carrier for its negligent acts and omissions resulting in a defect or failure of the E-9-1-1 system to \$300,000 or any greater amount that may be specified in the Maine Tort Claims Act. There is no limitation on the amount of liability for intentional, willful or reckless acts and omissions.

LD 1723

An Act to Amend the Charter of the East Pittston Water District

P & S 18

<u>Sponsor(s)</u> KILKELLY COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-110
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LD 1723 proposed to amend the charter of the East Pittston Water District to clarify that a trustee of the district must reside in a household to which the district's service is provided and to limit who is a qualified legal voter within the East Pittston Water District.

Committee Amendment "A" (S-110) proposed to correct a statutory reference and remove the provision of the bill that proposed to limit who qualified as a legal voter within the East Pittston Water District.

Enacted law summary

Private and Special Law 1999, chapter 18 amends the charter of the East Pittston Water District to clarify that a trustee of the district must reside in a household to which the district's service is provided.

LD 1797**An Act to Amend the Charter of the Waterville Sewerage District****P & S 13**

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-103
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LD 1797 proposed to amend the charter of the Waterville Sewerage District by repealing and replacing the first paragraph of section 7 of the charter to correct a conflict that was created by Private and Special Law 1985, chapter 99, section 6.

Committee Amendment "A" (S-103) proposed to clarify that the commissioners may receive up to \$20 as compensation for attendance at each regular or special meeting.

Enacted law summary

Private and Special Law 1999, chapter 13 amends the charter of the Waterville Sewerage District to correct a conflict and to clarify that the commissioners may receive up to \$20 as compensation for attendance at each regular or special meeting.

LD 1810**An Act to Protect the Drinking Water Supply of the Portland Water District****CARRIED OVER**

<u>Sponsor(s)</u> MUSE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1810 proposes to close the existing boat-launching ramp in Standish and replace it with a new boat-launching ramp, also in Standish, at a location selected by the Portland Water District. The bill proposes to provide that land and funding for the new boat-launching ramp be provided by the Portland Water District. This bill and LD 1464 were held over to allow the district, the Town of Standish and State agencies to work out a mutually acceptable approach to the issues raised by the bills.

LD 1915**An Act to Amend Assessment Provisions Within the Charter of the Kennebunk Sewer District****ONTP**

<u>Sponsor(s)</u> MURPHY T LAFOUNTAIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1915 proposed to amend the charter of the Kennebunk Sewer District by allowing that district to levy assessments against lots or parcels of land benefited by newly constructed sewers.

Sponsor(s)
TREAT
COWGER

Committee Report
OTP-AM

Amendments Adopted
S-224

LD 1929 proposed the following:

1. To establish a mediation program for resolving disputes concerning use of easements held by natural gas pipeline companies;
2. To establish that an easement or other property interest for the construction, maintenance or operation of a natural gas pipeline does not become effective until seven business days after the date of the contract granting the easement or other property interest and to permit the landowner to cancel the easement in the seven-day period; and
3. To permit landowners to negotiate an annual fee for the use of easements held by natural gas pipeline companies.

Committee Amendment "A" (S-224) proposed to remove from the bill those sections proposing a seven-day delay in the effective date of certain easements or interests in property related to the construction, maintenance and operation of a natural gas pipeline and the provision proposing to allow a landowner granting an easement to negotiate an annual fee for the use of that easement or interest.

The amendment proposed to clarify that the mediation process established in the bill applies to any natural gas pipeline work regardless of whether or not that work was performed by a state or federally regulated natural gas pipeline. The amendment proposed to limit the scope of the mediation to property damages and to clarify that participation in the mediation process is voluntary for all parties and may not be compelled by the mediator or any other person.

The amendment also proposed to make several technical corrections to the bill.

Enacted law summary

Public Law 1999, chapter 346 establishes a mediation program for resolving disputes concerning property damages resulting from the use of easements held by natural gas pipeline companies.

Sponsor(s)
BENOIT
GOOLEY

Committee Report
OTP-AM

Amendments Adopted
S-148

LD 1977 proposed to create the Farmington Falls Standard Water District, to authorize the district to take the property and franchise of the Farmington Falls Water Company. The bill also proposed to repeal the Farmington Fall Water District, which was created by Private and Special Law 1981, chapter 86, but was never approved by referendum.

Committee Amendment "A" (S-148) proposed to make technical corrections to the bill.

Enacted law summary

Private and Special Law 1999, chapter 21 creates the Farmington Falls Standard Water District, authorizes the district to take the property and franchise of the Farmington Falls Water Company and repeals the Farmington Fall Water District, which was created by Private and Special Law 1981, chapter 86, but was never approved by referendum. The creation of the standard water district and the authorization for it to take the property of the water company are subject to approval in a local referendum.

Chapter 21 was enacted as an emergency measure effective May 19, 1999.

LD 1998

An Act to Fulfill the Requirements of the Electric Restructuring Act

PUBLIC 43 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON CAREY	OTP-AM	H-112

LD 1998 proposed to exempt the transfer of property necessary to consummate a divestiture electric generation assets that results in a division of ownership of any lot or parcel of property from municipal and state agency approval pursuant to laws, ordinances or rules relating to land use, zoning, shoreland zoning or subdivision of property. The bill also proposed to specify that such a division of ownership does not constitute a violation of those laws, ordinances or rules.

Committee Amendment "A" (H-112) proposed to modify the language of that portion of the bill concerning regulatory reviews of subsequent regulated activities on lands whose ownership has been divided pursuant to a divestiture by an electric utility. The modifications proposed to clarify that such subsequent activities otherwise subject to regulatory review are in fact subject to such review and that the cumulative effect of that subsequent activity and the division of ownership accomplished pursuant to an exemption granted under the bill may be reviewed by the regulatory entity. However, activities that would not otherwise be subject to review would not trigger review of the division of ownership.

Enacted law summary

Public Law 1999, chapter 43 exempts the transfer of property necessary to consummate a divestiture electric generation assets that results in a division of ownership of any lot or parcel of property from municipal and state agency approval pursuant to laws, ordinances or rules relating to land use, zoning, shoreland zoning or subdivision of property. These exemptions are solely for the purpose of enabling a divestiture required by law. Any subsequent change of use, development, transfer of ownership or other use of or activity on the land is subject to all applicable regulatory reviews and approvals by a municipality or state agency. A municipality or state agency, in its review of any subsequent change of use, development, transfer of ownership or other use of or activity on land whose ownership has been divided, may consider that division of land ownership and may, in accordance with applicable standards established by law or ordinance, deny or condition its approval based on the cumulative effect of that division of ownership and the proposed use, development, transfer or other activity, as though both were occurring at the same time.

Chapter 43 was enacted as an emergency measure effective March 30, 1999.

LD 2040

An Act to Amend the Charter of the Norridgewock Water District

P & S 30 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-297

LD 2040 proposed to amend the charter of the Norridgewock Water District to change the residency requirement for a trustee from residency in the district to residency in the town, to change the term of the trustees, to eliminate the requirement that the annual meeting must be on March 1st, to eliminate the requirement that a quorum must be present to hold a meeting, to amend the compensation of the trustees and the treasurer and to make the residency requirement for the trustees and the salary of the treasurer retroactive to February 23, 1995.

Committee Amendment "A" (S-297) proposed to update the description of the territory of the district to clarify the boundaries of the district. This amendment also proposed to replace that portion of the bill addressing the salaries of trustees of the Norridgewock Water District. The amendment proposed to provide that the chair of the board may receive up to \$600 per year and the other trustees may receive up to \$500.

Enacted law summary

Private and Special Law, chapter 30 amends the charter of the Norridgewock Water District by:

1. Changing the residency requirement for trustees from residency in the district to residency in the town;
2. Changing the term of the trustees;
3. Eliminating the requirement that the annual meeting must be on March 1st;
4. Eliminating the requirement that a quorum must be present to hold a meeting;
5. Increasing the salary of the trustees;
6. Updating the description of the territory of the district to clarify the boundaries of the district; and
7. Making the residency requirement for the trustees and the salary of the treasurer retroactive to February 23, 1995.

Chapter 30 was enacted as an emergency measure effective June 3, 1999.

LD 2044 An Act to Repeal the Charter of the Pleasant River Standard Water District P & S 22

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASSIDY	OTP-AM	S-149

LD 2044 proposed to change the sources from which the Pleasant River Standard Water District may take water.

Committee Amendment "A" (S-149) proposed to replace the bill. The amendment proposed to repeal the charter of the Pleasant River Standard Water District. The creation of the district was not approved by local referendum and therefore the district has no legal existence. This amendment proposed to remove the charter from Private and Special Law. The amendment also proposed to amend the title of the bill to reflect the changes made by the amendment.

Enacted law summary

Private and Special Law 1999, chapter 22 repeals the charter of the Pleasant River Standard Water District. The creation of the district was not approved by local referendum and therefore the district has no legal existence.

LD 2091**An Act to Amend the Charter of the Richmond Utilities District****P & S 23**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH TREAT	OTP-AM	H-399

LD 2091 proposed to allow the Richmond Utilities District to charge the ratepayer when filing a lien a fee not to exceed the cost to the district for giving the notice and for filing and recording the certificate of lien.

Committee Amendment "A" (H-399) proposed to modify the Richmond Utilities District charter to allow the district to increase its debt limit through a district referendum in same the manner as standard water districts.

Enacted law summary

Private and Special Law 1999, chapter 23 allows the Richmond Utilities District to charge the ratepayer when filing a lien a fee not to exceed the cost to the district for giving the notice and for filing and recording the certificate of lien. It also modifies the Richmond Utilities District charter to allow the district to increase its debt limit through a district referendum in same the manner as standard water districts.

LD 2140**An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON		

LD 2140 proposes to authorize the Public Utilities Commission to approve discount rates for low-income natural gas customers.

LD 2154**An Act to Amend the Electric Industry Restructuring Laws****PUBLIC 398**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-620

LD 2154, reported by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 1997, chapter 316, section 12, proposed to implement certain recommendations of the Public Utilities Commission regarding electric industry restructuring.

Part A proposed to make changes to Title 35-A to conform it to the electric industry restructuring law;

Part B proposed to authorize international transmission contracts;

Part C proposed to modify the PUC's assessments on utilities to account for the changes in the electric utility industry;

Part D proposed to grant the PUC a 1-year extension to adopt rules on competitive billing and metering;

Part E proposed to exempt small utilities from retail competition; and

Part F proposed to authorize the PUC to require a T&D utility to arrange for default service in the event the PUC fails to get bids on standard-offer service or if the bids it receives are unacceptable.

Committee Amendment "A" (H-620) proposed the following:

1. To make a series of changes and additions to Part A of the bill;
2. To amend Part B to clarify that the authorization of transmission and distribution utility's to enter into international transmission contracts is not limited by the restrictions imposed by Title 35A, section 3204 regarding divestiture; to exempt such contracts from Public Utilities Commission approval; and to clarify that the Public Utilities Commission retains jurisdiction over utility operations or activities undertaken pursuant to such contracts;
3. To make a technical correction to Part C;
4. To amend Part D to extend the date by which the Public Utilities Commission must adopt rules on competitive billing and metering to March 1, 2000;
5. To amend Part E to clarify that the exemption from electric industry restructuring for electric utilities not physically connected to any transmission and distribution utility applies to consumer-owned electric utilities as well and investor-owned electric utilities;
6. To add a new Part G:
 - A. To add a provision authorizing the Public Utilities Commission to require a transmission and distribution utility to keep a log of any transactions with its affiliated provider;
 - B. To add a provision prohibiting a large distribution utility from subsidizing the business of its affiliated competitive provider and requires the PUC to amend its rules to apply this standard to small distribution utilities as well;
 - C. To move the penalty provisions, including the so-called "poison pill" penalty, that apply to violations of standards of conduct by transmission and distribution utilities with affiliated competitive electricity providers so that the penalties apply to all transmission and distribution utilities; it also proposed to increase the maximum penalties from \$10,000 to \$100,000 and to allow for disgorgement of profits for violations of the standards of conduct; it also proposed to require the Public Utilities Commission to amend its rules to conform to these changes;
 - D. To exempt the Public Utilities Commission from undertaking formal proceedings in order to change its rule to conform to these changes in law;
7. To add a new Part H to increase the salaries of the commissioners of the Public Utilities Commission;
8. To add a new Part I to modify the renewable portfolio requirement applicable to competitive electricity providers in the restructured electric marketplace. Part I proposed:
 - A. To change the description of the portfolio requirement to more accurately describe the resources that are eligible to meet the requirement;
 - B. To tighten the efficiency requirements for eligible cogenerators;
 - C. To provide that if a competitive electricity provider represents to a customer that the provider is selling to the customer a portfolio of supply sources that includes more than 30% eligible resources, the resources necessary

to supply more than 30% of that customer's load may not be applied to meet the aggregate 30% portfolio requirement;

9. To add a new Part J to require competitive electricity providers, as a condition of licensing, to register with the State Tax Assessor and agree to be responsible for the collection and remission of sales taxes due on sales of electricity made by the licensee to consumers located in this State;
10. To add a new Part K to provide for the reformation of any contract for electricity that a transmission and distribution utility has with a retail customer that extends beyond March 1, 2000 to preserve as nearly as possible the parties' benefits and burdens under the terms of the original contract;
11. To add a new Part L to extend the deadlines by which the Public Utilities Commission must complete its cases related to stranded costs to December 1, 1999;
12. To add a new Part M to retroactively modify the law regarding transition benefits for employees of electric utilities displaced by restructuring to include part-time employees; and
13. To add a new Part N to allow the PUC to grant an extension on the divestiture of "generation related business", including wholesale energy contracts, and to remove the requirement that assets for which an a divestiture extension has been granted must be moved by the utility to an affiliate.

Enacted law summary

Public Law 1999, chapter 398

1. Makes many changes to Title 35-A to bring it into conformity with the electric industry restructuring chapter;
2. Provides authorization for transmission and distribution utilities to enter into international transmission contracts; exempts such contracts from Public Utilities Commission approval; and clarifies that the Public Utilities Commission retains jurisdiction over utility operations or activities undertaken pursuant to such contracts;
3. Modifies the PUC assessment on utilities to account for the change in the electric utility industry;
4. Extends the date by which the Public Utilities Commission must adopt rules on competitive billing and metering to March 1, 2000;
5. Provides an exemption from electric industry restructuring laws for electric utilities not physically connected to any transmission and distribution utility whether consumer-owned or investor-owned;
6. Authorizes the PUC to require T&D utilities to arrange default service in the event the PUC fails to get bids on standards offer service or if the bids it receives are unacceptable;
7. With respect to T&D Standards of Conduct:
 - A. Authorizes the Public Utilities Commission to require a transmission and distribution utility to keep a log of any transactions with its affiliated provider;
 - B. Prohibits a large distribution utility from subsidizing the business of its affiliated competitive provider and requires the PUC to amend its Standards of Conduct rules to apply this standard to small distribution utilities as well;
 - C. Moves the penalty provisions, including the so-called "poison pill" penalty, that apply to violations of standards of conduct by transmission and distribution utilities with affiliated competitive electricity providers so that the penalties apply to all transmission and distribution utilities; it also increases the maximum penalties from

\$10,000 to \$100,000 and allows for disgorgement of profits for violations of the standards of conduct; it also requires to the Public Utilities Commission to amend its rules to conform to these changes;

D. Exempts the Public Utilities Commission from undertaking otherwise required formal proceedings in order to change its rule to conform to these changes in law;

8. Increases the salaries of the commissioners of the Public Utilities Commission. Currently the salary of the chair of the commission is set by statute at range 91, step 8 and the salaries of the other two commissioners at range 90, step 8. Chapter 398 increases their salaries by making them equal to the salaries of the justices of the Superior Court. The salary of the chair of the commission is made equal to the salary of the Chief Justice of the Superior Court and the salaries of the other commissioners are made equal to the salaries of the Associate Justices;

9. Modifies the renewable portfolio requirement applicable to competitive electricity providers in the restructured electric marketplace as follows:

A. Changes the description of the portfolio requirement to more accurately describe the resources that are eligible to meet the requirement. Under current law, cogenerators that do not use renewable resources are eligible. This amendment preserves the portfolio requirement but separates those facilities that are eligible as renewable resources from those that are eligible as efficient cogenerators;

B. Tightens the efficiency requirements for eligible cogenerators;

C. Provides that if a competitive electricity provider represents to a customer that the provider is selling to the customer a portfolio of supply sources that includes more than 30% eligible resources, the resources necessary to supply more than 30% of that customer's load may not be applied to meet the aggregate 30% portfolio requirement;

10. Requires competitive electricity providers, as a condition of licensing, to register with the State Tax Assessor and agree to be responsible for the collection and remission of sales taxes due on sales of electricity made by the licensee to consumers located in this State;

11. Provides for the reformation of any contract for electricity that a transmission and distribution utility has with a retail customer that extends beyond March 1, 2000; the contract must be reformed so that the customer pays a total price for delivered electricity on an annual basis that is equal to the price contained in the original contract; if the utility and the customer fail to reach an agreement on reformation of the contract, the Public Utilities Commission is required to reform the contract to preserve as nearly as possible the parties' benefits and burdens under the terms of the original contract;

12. Extends the deadlines by which the Public Utilities Commission must complete its cases related to stranded costs to December 1, 1999;

13. Retroactively modifies the law regarding transition benefits for employees of electric utilities displaced by restructuring to include part-time employees; and

14. Allows the PUC to grant an extension on the divestiture of "generation related business", including wholesale energy contracts, and removes the requirement that assets for which an a divestiture extension has been granted must be moved by the utility to an affiliate.

LD 2161**An Act to Prohibit a Telephone Utility from Charging a Toll-call Rate for a Telephone Call Made from a Municipality to a Point in that same Municipality****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK HARRIMAN	ONTP	

LD 2161 proposed to prohibit a telephone utility from charging a toll-call rate for a telephone call made from a municipality to a point in that same municipality.

LD 2164**An Act to Enhance Access to Technology for Maine Schools and Libraries****PUBLIC 409**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON TREAT	OTP-AM	H-594

LD 2164 proposed to require that telecommunications carriers contribute to a telecommunications education access fund. The bill proposed to give the commission responsibility to administer the fund and allocate funds to qualified libraries and qualified schools based upon specific criteria.

This bill proposed to allocate funds to this new program from the current Public Utilities Commission Schools and Libraries Network program.

Committee Amendment "A" (H-594) proposed to lower the cap on the assessment from 1.5% of intrastate revenues to 0.5% of retail revenues for telecommunications services, excluding interstate tolls or interstate private line services. The amendment proposed to require the Public Utilities Commission to periodically review the assessments to ensure that they are assessed in a competitively neutral manner by capturing all 2-way interactive communications services comparable to those offered by telecommunications carriers.

This amendment proposed to remove the section from the bill which allocated moneys associated with the Public Utilities Commission's current Schools and Library Network Program to the program proposed by the bill. The amendment proposed to delay the implementation of the new program until July 1, 2001, after the current Public Utilities Commission program regarding schools and libraries terminates.

The amendment proposed to require the commission to integrate the collection of charges for the program with any universal service fund developed by the commission. The amendment also proposed to require the commission to require carriers to identify on customer bills contributions to the program.

Enacted law summary

Public Law 1999, chapter 409 requires that telecommunications carriers contribute to a telecommunications education access fund. The law gives the commission responsibility to administer the fund and allocate funds to qualified libraries and qualified schools based upon specific criteria.

The assessment is limited to no more than 0.5% of retail revenues for telecommunications services, excluding interstate tolls or interstate private line services. The Public Utilities Commission is required periodically to review the assessments to ensure that they are assessed in a competitively neutral manner by capturing all 2-way interactive communications services comparable to those offered by telecommunications carriers.

This education access fund program does not begin until July 1, 2001, after the current Public Utilities Commission program regarding schools and libraries terminates.

The commission is required to integrate the collection of charges for the program with any universal service fund developed by the commission. The commission must require identification on customer bills of contributions to the program, which is the same requirement imposed under existing law with respect to universal service fund charges. Pursuant to the Maine Revised Statutes, Title 35-A, section 7104, the fund for the program will be administered by an independent fiscal agent, and funds in the fund will be dedicated to the purposes of the program and not be state funds.

LD 2193

An Act to Allow the Fort Kent Utility District to be Dissolved and Combined With the Town of Fort Kent

**P & S 24
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN PARADIS	OTP	

LD 2193 proposed to allow the Fort Kent Utility District to be dissolved and the Town of Fort Kent take over the district's duties.

Enacted law summary

Private and Special Law 1999, chapter 24 authorizes the Fort Kent Utility District to be dissolved and the Town of Fort Kent take over the district's duties. These authorizations are subject to approval in a local referendum.

Chapter 24 was enacted as an emergency measure effective May 20, 1999.

SP 709

Joint Order Relative to the Task Force to Study the E-911 System

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT		

SP 709, a Joint Order, proposes to create a Task Force to Study the E-9-1-1 System. The purpose of the Task Force is to assess the use of the E-9-1-1 system including an analysis of the implementation of the system and the difficulties encountered by municipalities in using the system.

HP 1583

Joint Order Relative to the Committee on Sawmill Biomass

PASSED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON KONTOS		S-451

HP 1583, a Joint Order, proposed to create the Committee on Sawmill Biomass.

Senate Amendment "A" (S-451) makes technical changes in the order to be consistent with the drafting guidelines by changing the method of selecting the chairs and the compensation for members who are not Legislators.

Passed joint order summary

Joint Order HP 1583, creates the Committee on Sawmill Biomass. The Committee consists of 17 members as follows: 9 legislators, 2 representatives of the forest products industry, one representative of the biomass electric generation industry, three public representatives with expertise in the subject matter of the study, the public advocate and the chair of the Public Utilities Commission. The first meeting must be called no later than July 15, 1999 and the reporting deadline is December 15, 1999. The report is to the Speaker of the House, the President of the Senate and the Governor. The Committee must investigate opportunities for maintaining markets for the sawmill biomass industry that will enhance the sawmill industry. The Committee is staffed by the State Planning Office.